

# EXHIBIT 16

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF IOWA

U.S. EQUAL EMPLOYMENT	)	
OPPORTUNITY COMMISSION,	)	
	)	Civil Action No: 5:19-CV-4063
Plaintiff,	)	
	)	Hon. Judge Linda R. Reade
v.	)	
	)	
SCHUSTER CO.,	)	
	)	
Defendant.	)	
	)	

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### DECLARATION OF RONALD S. LANDIS

Pursuant to 28 U.S.C. § 1746, I, Ronald S. Landis, state as follows:

1. Millan Chicago, LLC and I were retained by the Equal Employment Opportunity Commission to review and evaluate the evidence presented in support of the use of an isokinetic muscular strength test to select truck drivers at Schuster Company. I was also asked to use my expert judgment to conduct additional analyses that I deemed appropriate related to use of the tests.
2. I have a M.S. and Ph.D in psychology from Michigan State University.
3. I am a co-founder of Millan Chicago, a company that provides data analytic consulting to public sector and private sector organizations.
4. I am the Nambury S. Raju Endowed Professor of Psychology at Illinois Institute of Technology.
5. A true and correct copy of my report that accurately reflects my qualifications, my opinions, and the bases for my opinions is attached as Exhibit A.
6. A true and correct copy of my supplemental analysis that accurately

reflects my opinions, and the bases for my opinions is attached as Exhibit B.

7. By this declaration, I affirm the truth and accuracy of my report and supplemental analysis and adopt the statements in my report and supplemental analysis as if they were set forth herein.

8. Based on my review of Schuster's workers' compensation data in file Schuster WC Loss Run 20110101-20200520\_UPDATED.xls and BIS data from DEF\_0000002.xls, I have identified one employee of Schuster who took the CRT test as an incumbent, did not receive a passing score, and sustained a workers' compensation injury. This employee received a score of 123 and was injured on March 23, 2018. The injury description states, "EE was climbing ladder/hip pain."

9. As part of my supplemental analysis, I computed the number of drivers employed by Schuster on December 31 of every calendar year from 2014-2019 using the data supplied in the file "Driver List 2014 to Current.xlsx."

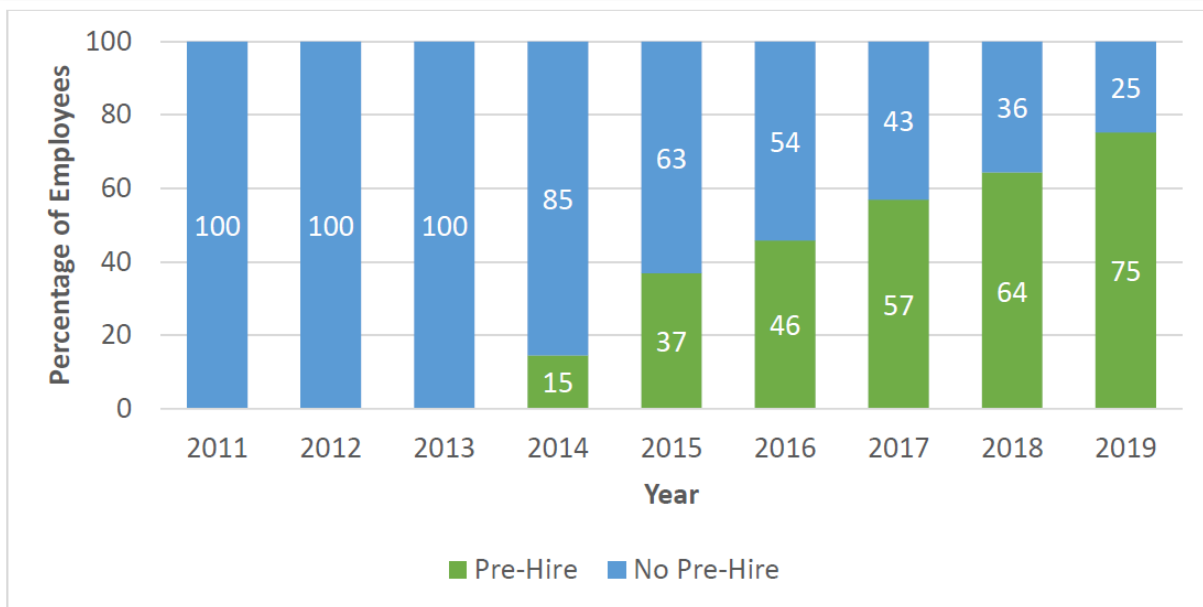
10. I also computed the number of individuals who took the CRT test pre-hire and passed, incumbents who receive passing scores, incumbents who receive failing scores, and those who took the test pre-hire, receiving a failing score, but were hired using the data supplied in the file "Driver List 2014 to Current.xlsx."

11. Table 9 of from my supplemental analysis, produced below, depicts the number of individuals who took the CRT test pre-hire and passed, incumbents who receive passing scores, incumbents who receive failing scores, and those who took the test pre-hire, receiving a failing score, but were hired, and the total number of employees in each year.

	Hire Pass	Incumbent Pass	Incumbent Fail	Hire Fail	Total Employees
2014	32	77	15	0	220
2015	93	94	17	1	252
2016	118	86	18	2	257
2017	158	75	12	1	277
2018	202	70	9	4	314
2019	282	60	8	2	374

**Table 9.** Number of CRT Test Takers per Year by CRT Testing Status

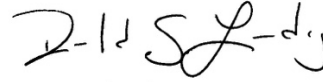
12. Figure 2 from my supplemental analysis, reproduced below, shows the percentage of employees who took the CRT test pre-hire as a percentage of all other employees.



**Figure 2.** Percentage of Employees by CRT Testing Status (Pre-Hire v. All Others)

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 1/14/2021

A handwritten signature in black ink, appearing to read "R-S Landis", written above a horizontal line.

Ronald S. Landis